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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,035	04/15/2004	Devon L. Strawn	MSFT-3488/307555.01	7412
41505	7590	11/01/2007		
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			EXAMINER	
CIRA CENTRE, 12TH FLOOR			BROOME, SAID A	
2929 ARCH STREET			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19104-2891			2628	
			MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/825,035	STRAWN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Said Broome	2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 13-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 13-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/07 has been entered.

### ***Response to Amendment***

1. This office action is in response to an amendment filed 9/11/2007.
2. Claims 1 and 13 have been amended by the applicant.
3. Claims 2-5 and 14-16 are original.
4. Claims 6-12 and 17-31 have been cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Skyrme (“*Full Product Review Adobe LiveMotion*”).

Regarding claims 1 and 13, Skyrme describes a method of keyframing an object (section 2 pg. 1 2<sup>nd</sup> ¶ line 1: "*Placing an object creates a keyframe at that point and a certain length of display is shown on the timeline...*" ), and the method is illustrated to be comprised in a computer system having a graphical user interface that is therefore displayed by a display device (Figure 1, section 1 on pg. 2). Skyrme also describes identifying at least one property (Figure 1, section 1 on pg. 2), and a time for the object (section 1 pg. 1 6<sup>th</sup> ¶ lines 3-6: "...*when you place an object on the stage...the object transform drop down menu for that object is opened and the Position clock face is clicked...just put a tick in the little box that has opened.*" ). Skyrme also describes creating a first compound key frame at the time object (section 2 pg. 1 2<sup>nd</sup> ¶ line 1: "*Placing an object creates a keyframe at that point and a certain length of display is shown on the timeline as a pink line with a knob at each end.*" ). Skyrme also describes receiving a second time for the object and creating a second compound key frame at the second time (section 2 pg. 2 2<sup>nd</sup> ¶ lines 4-5: "...*you can insert a new keyframe by placing the Current Time Marker at a particular point...*" ), where a second new keyframe may be inserted. Skyrme illustrates enabling a change to the at least one property prior to creating the second compound key frame, (Figure 1 of section 1 on pg. 2 and in Figures 1 & 2, pg. 2 of section 2), where the play head(vertical line) may be moved about the keyframe interface independently of the keyframes themselves to indicate the time at which to apply a property, such as position, rotation, etc. that is indicated with a white diamond icon, therefore a user would be capable of placing the play head after a first keyframe, but prior to creation of a second keyframe, to enable a property or action to be applied to the second keyframe, where the second compound key frame incorporates the change to the property once the keyframes are animated (section 2 pg. 2 3<sup>rd</sup> ¶ lines 1-4: "*If you want to apply a change*

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*to the object you can now move forward in the timeline...When played back, the object should tween between the first and second keyframe giving a smooth action.”). Skyrme describes creating an attribute key frame responsive to the received change to the at least one property if no attribute key frame exists for the at least one property at the time the received change is received (section 1 pg. 1 6<sup>th</sup> ¶ lines 3-7: “*By dragging your image around on stage, tweens are automatically inserted between keyframes...This only happens if the object transform drop down menu for that object is opened...*“ and in section 2 pg. 2 3<sup>rd</sup> ¶ lines 2-3: “*The action can be applied by...selecting the...sliders or the round symbol to apply the desired effect.*“), where attribute key frame data, or tween data, is created by the LiveMotion software to enable attribute data to be inserted between a first keyframe and an existing keyframe located at a position later in the timeline through interpolating the effect of the attribute or applied property over the entire timeline between the frames, thereby enabling portions of the timeline which previously contained no attribute to contain the desired effect during playback of the animation. Skyrme also teaches changing an existing attribute key frame responsive to the received change to the at least one property if the existing attribute key frame exists at the time the received change is received (Figure 1 of section 1 on pg. 2 and in Figures 1 & 2, pg. 2 of section 2), where an applied property for the keyframes is adjusted from the transform drop down menu, and the resultant change is represented on the user interface (section 2 pg. 2 3<sup>rd</sup> ¶ lines 1-4).*

Regarding claims 2 and 14, Skyrme describes receiving additional times for the object and creating associated compound key frames at each of the additional times (section 2 pg. 2 2<sup>nd</sup> ¶ lines 4-5: “*Now you can insert a new keyframe by placing the Current Time Marker at a particular point...*“ and in 3<sup>rd</sup> ¶ lines 2-3: “*The action can be applied by the menu box to the*

*right of the desktop, and is just a matter of selecting the filter and then use sliders or the round symbol to apply the desired effect.“).*

Regarding claims 3 and 15, Skyrme describes receiving the second time for the object comprises moving a playhead to a position on a timeline in a user interface, the position corresponding to the second time (section 2 pg. 1 2<sup>nd</sup> ¶ line 1: “*Placing an object creates a keyframe at that point and a certain length of display is shown on the timeline as a pink line with a knob at each end.*“ and in section 2 pg. 2 2<sup>nd</sup> ¶ lines 4-5: “*Now you can insert a new keyframe by placing the Current Time Marker at a particular point...“*).

Regarding claims 4 and 16, Skyrme illustrates entering an animate mode prior to creating the first compound key frame (Figure 1 of section 1) where a user interface is shown that comprises an animation mode that is initialized to enable the user to enter in keyframes, in which after user input timelines are displayed.

Regarding claim 5, Skyrme illustrates that each of the first and second compound key frames represents the state of the at least one property on the object at the associated time (Figure 1 of section 1), where it is shown that properties are represented as diamond icons.

### ***Response to Arguments***

Applicant's arguments filed 9/11/07 have been fully considered but they are not persuasive.

The applicant argues on pg. 5 3<sup>rd</sup> ¶ lines 1-11 of the remarks that the reference Skyrme is not a 35 U.S.C. 102(b) reference, however evidence has been provided which supports the 35

U.S.C. 102(b) date of the Skyrme reference, which can be found on pg. 4 of the "Graphics Software Archived Features for 2002".

The applicant also argues on pg. 5 4<sup>th</sup> ¶ lines 1-12 of the remarks that the Skyrme reference only reviews the LiveMotion product instead of actually disclosing the LiveMotion product, and as a result the reference cannot be employed in a 35 U.S.C. 102 rejection. However, in order for a reference to qualify under 35 U.S.C. 102(b), a reference need only describe the applicant's invention in a printed publication, in this or a foreign country, or is in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, to qualify under 35 U.S.C. 102(b). Therefore since the Skyrme reference clearly describes the applicant's invention in the above rejection, and was published more than a year prior to applicant's invention(refer to PTO-892 form filed 7/30/07), then the reference thereby qualifies under 35 U.S.C. 102(b), and the rejection is maintained.

The applicant also argues on pg. 6 5<sup>th</sup> ¶ lines 1-12 of the remarks that Skyrme does not disclose the distinction between an attribute key frame and a compound key frame. However, Skyrme teaches creating compound key frames (section 2 pg. 1 2<sup>nd</sup> ¶ line 1: "*Placing an object creates a keyframe at that point and a certain length of display is shown on the timeline as a pink line with a knob at each end.*" ), that are animation keyframes placed at a particular time instance along an animation timeline, and also teaches creation of attribute key frames (section 1 pg. 1 6<sup>th</sup> ¶ lines 3-7: "*By dragging your image around on stage, tweens are automatically inserted between keyframes...This only happens if the object transform drop down menu for that object is opened...*" and in section 2 pg. 2 3<sup>rd</sup> ¶ lines 2-3: "*The action can be applied by...selecting the...sliders or the round symbol to apply the desired effect.*" ), that are frames instered between a

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first keyframe and an existing keyframe located at a position later in the timeline through interpolating the effect of the attribute or applied property over the entire timeline between the frames, to ensure portions of the timeline which otherwise contained no attribute properties to contain the desired effect during playback of the animation frames. However it is also noted that in response to applicant's argument that the references fail to show certain features of applicant's invention, the features upon which applicant relies (i.e., pg. 6 5<sup>th</sup> ¶ lines 1-12 of the remarks:

*"Applicants respectfully submit that...the Skyrme reference clearly does not disclose...the distinction between an attribute key frame and...compound key frame...As set forth in the specification of the present application...an attribute key frame is a key frame at the attribute level and a compound key frame is a key frame at the object level. A compound key frame can be thought of as essentially a placeholder for a "virtual attribute key frame" on all possible attributes. Other attribute key frames force this virtual attribute key frame to manifest itself on those attributes..."*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant also argues on pg. 7 1<sup>st</sup> ¶ lines 1-8 of the remarks that Skyrme does not disclose that responsive to the received change to the at least one property, an attribute key frame is created if no attribute key frame exists for the at least one property at the time the received change is received, or an existing attribute key frame is changed if the existing attribute key frame exists at the time the received change is received. However, Skyrme teaches that responsive to the received change to the at least one property, an attribute key frame is created if no attribute key frame exists for the at least one property at the time the received change is

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received (section 1 pg. 1 6<sup>th</sup> ¶ lines 3-7: “*By dragging your image around on stage, tweens are automatically inserted between keyframes... This only happens if the object transform drop down menu for that object is opened...*“ and in section 2 pg. 2 3<sup>rd</sup> ¶ lines 2-3: “*The action can be applied by... selecting the... sliders or the round symbol to apply the desired effect.*“), where attribute keyframe data, or tween data, is created between a first keyframe and an existing keyframe located at a position later in the timeline through interpolating the effect of the attribute or applied property over the entire timeline between the frames, thereby enabling portions of the timeline which previously contained no attribute to contain the desired effect during playback of the animation. Skyrme also teaches an existing attribute key frame is changed if the existing attribute key frame exists at the time the received change is received (Figure 1 of section 1 on pg. 2 and in Figures 1 & 2, pg. 2 of section 2), where the play head(vertical line) may be moved about the keyframe interface independently of the keyframes themselves to indicate the time at which to apply a property, such as position, rotation, etc. Therefore a user would be capable of placing the play head after a first keyframe, but prior to creation of an existing second keyframe, to enable a property or action to be applied to the second keyframe, where the second compound key frame incorporates the change once the keyframes are animated (section 2 pg. 2 3<sup>rd</sup> ¶ lines 1-4).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Said Broome whose telephone number is (571)272-2931. The examiner can normally be reached on M-F 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Said Broome/*  
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10/23/07

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER